

FILED  
9/13/22 8:02 am  
CLERK  
U.S. BANKRUPTCY  
COURT - WDPA

IN THE UNITED STATES BANKRUPTCY COURT  
FOR THE WESTERN DISTRICT OF PENNSYLVANIA

IN RE:

Kelly D. McIntyre : Bankruptcy Case No. 22-21371-TPA  
*Debtor(s)* : Chapter 13

**PLAN CONFIRMATION ORDER**

**AND NOW**, this *13th* day of *September, 2022*, it is hereby **ORDERED, ADJUDGED**, and **DECREED**, with the consent of all the Parties in attendance, as follows:

**A** The Chapter 13 Plan dated *August 5, 2022*, except as modified herein as numbered, below, is **CONFIRMED** in accord with *11 USC 1325*. On the effective date of this Order, the Chapter 13 Trustee shall pay administrative, secured and priority creditors identified in the Plan. General unsecured creditors will not receive distributions at least until the government bar date has passed and the Chapter 13 Trustee has submitted a *Notice of Intention to Pay Claims* to the Court. The current Plan payment is **\$1,366**.

1. Confirmation of this Plan pursuant to this Order is without prejudice to reconsideration following a status conference held by the Chapter 13 Trustee to gauge the progress of Plan implementation, which **Status Conference** is scheduled for **December 6, 2022 at 2:00 p.m. remotely by the Trustee via Zoom, how to participate: go to [www.ch13pitt.com](http://www.ch13pitt.com), [meetings@chapter13trusteewdpa.com](mailto:meetings@chapter13trusteewdpa.com)**, (which may, upon agreement of the Parties, be continued from time to time *provided however* that following the 3rd continuance, the matter shall be set for hearing before the Court), following which time the Plan may be modified to the satisfaction of all Parties after notice and hearing before the Court, or the status conference may be marked closed by the Chapter 13 Trustee. (A1)

2. For the remainder of the Plan term, the periodic Plan payment is to be **\$1,540** as of *September, 2022*. Debtor(s)' counsel shall file a motion to amend the income attachment order within seven (7) days of the date of this Order. (A2)

3. The claims of the following creditors shall govern as to amount, classification and rate of interest (or as otherwise noted), unless the Debtor(s) successfully objects to the claim (A5):  
Claimant: **CitiMortgage** Claim Number: **2**

4. The claim of **M&T Bank (Claim No. 1)** is to be paid per the Plan pending resolution of the loss mitigation process. (D47)

**B IT IS FURTHER ORDERED THAT THE FOLLOWING DEADLINES ARE ESTABLISHED:**

1. **Objections to the Plan:** This Order is effective as of the date indicated below. Pursuant to *Fed.R.Bankr.P. 2002(b)*, any party in interest with an objection to any provision of this Confirmation Order must file a written objection within the twenty-eight (28) day period following entry of this Order. Failure to timely object shall be deemed a waiver of all objections and an acceptance of the provisions of this confirmed Plan. The Trustee may only disburse funds pursuant to this confirmation order upon expiration of the foregoing twenty-eight (28) day period.

2. **Applications to retain brokers, sales agents, or other professionals.** If the Plan contemplates sales of assets or litigation proceeds as a source of funding, Debtor shall file motion(s) to employ the necessary professionals within thirty (30) days hereof.

3. **Review of Claims Docket and Objections to Claims.** Pursuant to *LBR 3021-1(c)(2)*, the Debtor or Debtor's attorney, if represented, shall review all proofs of claim filed and shall file objections to any disputed claims within ninety (90) days after the claims bar date or, for late filed or amended claims, within ninety (90) days after they are filed and served. Absent an objection, the proof of claim will govern as to the classification and amount of the claim.

Revised 3/22/2022

Objections filed after the ninety (90) days specified herein shall be deemed untimely.

**4. Motions or Complaints Pursuant to §§506, 507, or 522.** All actions to determine the priority, avoidability, or extent of liens, all actions pursuant to *11 U.S.C. §§506, 507 and 522* shall be filed within ninety (90) days after the claims bar date.

**5. Filing Amended Plans.** Within fourteen (14) days after the Bankruptcy Court resolves the priority, avoidability, or extent of a lien, or any objection to claim, the Debtor(s) shall file an amended Plan to provide for the allowed amount of the claim if the allowed amount differs from the amount stated in the Plan. Debtor(s) shall also file an amended Plan within thirty (30) days after the claims bar date(s) in the event that no objection is filed and the claim(s) as filed causes the Plan to be underfunded.

**C IT IS FURTHER ORDERED THAT:**

**1.** Plan terms are subject to the resolution of: timely but yet to be filed claims including government claims; all actions to determine the avoidability, priority or extent of liens, including determination of the allowed amount of secured claims under *11 U.S.C. §506*, disputes over the amount and allowance of claims entitled to priority under *11 U.S.C. §507*, and all objections to claims.

**2.** Following payment of allowed secured and priority claims the allowed claims of general unsecured creditors shall be paid from available funds on a pro rata basis, which may represent an increase or decrease in the amount projected in the Plan.

**3.** After the claims objection deadline, the Plan shall be deemed amended to conform to the claims filed or otherwise allowed. If the Plan expressly modified the terms of payment to any creditor pursuant to *11 U.S.C. §1322(b)(2)*, nothing in this Order shall be construed to change the payment terms established in the Plan.

**4.** Any creditor who files or amends a proof of claim shall serve a copy on the Debtor(s) or counsel for the Debtor(s).

**5.** Any creditor whose payment changes due to variable interest rates, change in escrow, or change in monthly payments, shall notify the Trustee, Debtor(s)' Counsel and Debtor(s) at least twenty-one (21) days prior to the change taking effect.

**6.** Debtor(s) shall file an Amended Schedule I and/or J in the event of:

(a) Household income increases by 10% or more over most the recently filed Schedule I, because of new employment, promotion, or otherwise.

(b) A reduction in payroll withholding (including any Domestic Support Obligation and retirement loan(s) repayments), or a 10% or more reduction of any line item expense on Schedule J.

(c) Any indicated increase in disposable income as a result of an increase in income or decrease in payroll withholding or Schedule J expense (and the fund created for the benefit of general Unsecured Creditors) is retroactive to the date of the payoff of the obligation, decrease in expense, or increase in household income.

**7.** Debtor(s) shall provide Trustee annual tax returns and statements of income and expenses, in accordance with Section 521(f) and (g), and shall file an amended plan reflecting any increase in disposable income retroactive to date of increase.

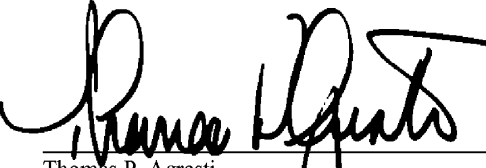
**8.** Debtor's counsel must file a fee application in accordance with *W.P.A.LBR 2016-1* before attorney fees in excess of the "no look" provision (including retainer) will be allowed or paid.

**9.** The Trustee shall file a *Certificate of Default and Request for Dismissal* of the case in the event of a material Plan default. If the default involves failure to make a plan payment the case will result in dismissal without further hearing upon filing and service of an *Affidavit of Default* by the Trustee. The Trustee is not precluded from raising preconfirmation defaults in any subsequent motion to dismiss.

Revised 3/22/2022

10. In the event that any order is entered in this case granting relief from the automatic stay to a secured creditor, then the Trustee shall make no further disbursements to any creditor on account of any secured claim that is secured by the subject property, unless directed otherwise by further Order of Court.

11. Any prior Confirmation Order entered in this matter is *VACATED*.

  
\_\_\_\_\_  
Thomas P. Agresti nms  
United States Bankruptcy Judge

cc: All Parties in interest to be served by Clerk immediately

In re:  
Kelly D. McIntyre  
Debtor

Case No. 22-21371-TPA  
Chapter 13

## CERTIFICATE OF NOTICE

District/off: 0315-2  
Date Rcvd: Sep 13, 2022

User: auto  
Form ID: pdf900

Page 1 of 2  
Total Noticed: 16

The following symbols are used throughout this certificate:

Symbol	Definition
+	Addresses marked '+' were corrected by inserting the ZIP, adding the last four digits to complete the zip +4, or replacing an incorrect ZIP. USPS regulations require that automation-compatible mail display the correct ZIP.
++	Addresses marked '++' were redirected to the recipient's preferred mailing address pursuant to 11 U.S.C. § 342(f)/Fed. R. Bank. P. 2002(g)(4).

### Notice by first class mail was sent to the following persons/entities by the Bankruptcy Noticing Center on Sep 15, 2022:

Recip ID	Recipient Name and Address
db	+ Kelly D. McIntyre, 104 Bassie Drive, Zelienople, PA 16063-9710
cr	+ CitiMortgage, Inc., Stern & Eisenberg, PC, 1581 Main Street, Suite 200, Warrington, PA 18976-3403
15504042	+ Medexpress, PO Box 719, Dellslow, WV 26531-0719

TOTAL: 3

### Notice by electronic transmission was sent to the following persons/entities by the Bankruptcy Noticing Center.

Electronic transmission includes sending notices via email (Email/text and Email/PDF), and electronic data interchange (EDI). Electronic transmission is in Eastern Standard Time.

Recip ID	Notice Type: Email Address	Date/Time	Recipient Name and Address
cr	+ Email/PDF: rmscedi@recoverycorp.com	Sep 14 2022 00:13:07	PRA Receivables Management, LLC, PO Box 41021, Norfolk, VA 23541-1021
cr	+ Email/Text: ebnpeoples@grblaw.com	Sep 14 2022 00:10:00	Peoples Natural Gas Company LLC, GRB Law, c/o Jeffrey R. Hunt, Esquire, 525 William Penn Place, Suite 3110, Pittsburgh, PA 15219, UNITED STATES 15219-1753
15498190	+ Email/Text: clientservices@credit-control.com	Sep 14 2022 00:11:00	Central Loan, Attn: Bankruptcy, P.O. Box 77404, Ewing, NJ 08628-6404
15508372	+ Email/Text: BKelectronicnotices@cenlar.com	Sep 14 2022 00:10:00	CitiMortgage, Inc., c/o Cenlar, FSB, 425 Phillips Blvd, Ewing, NJ 08618-1430
15498192	+ Email/PDF: Citi.BNC.Correspondence@citi.com	Sep 14 2022 00:12:55	Macys/fdsb, Attn: Bankruptcy, 9111 Duke Boulevard, Mason, OH 45040
15505444	Email/Text: camanagement@mtb.com	Sep 14 2022 00:10:00	M&T BANK, P.O. Box 840, Buffalo, NY 14240-0840
15498191	Email/Text: camanagement@mtb.com	Sep 14 2022 00:10:00	M & T Bank, Attn: Bankruptcy, Po Box 844, Buffalo, NY 14240
15498193	Email/PDF: PRA_BK2_CASE_UPDATE@portfoliorecovery.com	Sep 14 2022 00:13:19	Portfolio Recovery Associates, LLC, Attn: Bankruptcy, 120 Corporate Boulevard, Norfolk, VA 23502
15514507	Email/PDF: PRA_BK2_CASE_UPDATE@portfoliorecovery.com	Sep 14 2022 00:12:55	Portfolio Recovery Associates, LLC, POB 12914, Norfolk VA 23541
15510043	+ Email/Text: ebnpeoples@grblaw.com	Sep 14 2022 00:10:00	Peoples Natural Gas Company LLC, GRB Law, c/o Jeffrey R. Hunt, Esquire, 525 William Penn Place, Suite 3110, Pittsburgh, PA 15219-1753
15504044	+ Email/PDF: gecsed@recoverycorp.com	Sep 14 2022 00:13:14	SYNCB, C/O P O BOX 965015, Orlando, FL 32896-0001
15498350	+ Email/PDF: gecsed@recoverycorp.com	Sep 14 2022 00:12:51	Synchrony Bank, c/o of PRA Receivables Management, LLC, PO Box 41021, Norfolk, VA 23541-1021
15498194	+ Email/Text: bankruptcydepartment@tsico.com	Sep 14 2022 00:11:00	Transworld Sys Inc/51, Attn: Bankruptcy, Po Box 15630, Wilmington, DE 19850-5630

District/off: 0315-2

User: auto

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Date Rcvd: Sep 13, 2022

Form ID: pdf900

Total Noticed: 16

TOTAL: 13

## BYPASSED RECIPIENTS

The following addresses were not sent this bankruptcy notice due to an undeliverable address, \*duplicate of an address listed above, \*P duplicate of a preferred address, or ## out of date forwarding orders with USPS.

Recip ID	Bypass Reason	Name and Address
cr		M&T BANK
15504039	*+	Central Loan, Attn: Bankruptcy, P.O. Box 77404, Ewing, NJ 08628-6404
15504041	*P++	DSNB MACY S, CITIBANK, 1000 TECHNOLOGY DRIVE MS 777, O FALLON MO 63368-2223, address filed with court:, Macys/fdsb, Attn: Bankruptcy, 9111 Duke Boulevard, Mason, OH 45040
15504040	*P++	M&T BANK, LEGAL DOCUMENT PROCESSING, 626 COMMERCE DRIVE, AMHERST NY 14228-2307, address filed with court:, M & T Bank, Attn: Bankruptcy, Po Box 844, Buffalo, NY 14240
15504043	*P++	PORTFOLIO RECOVERY ASSOCIATES LLC, PO BOX 41067, NORFOLK VA 23541-1067, address filed with court:, Portfolio Recovery Associates, LLC, Attn: Bankruptcy, 120 Corporate Boulevard, Norfolk, VA 23502
15504045	*+	Transworld Sys Inc/51, Attn: Bankruptcy, Po Box 15630, Wilmington, DE 19850-5630

TOTAL: 1 Undeliverable, 5 Duplicate, 0 Out of date forwarding address

## NOTICE CERTIFICATION

I, Gustava Winters, declare under the penalty of perjury that I have sent the attached document to the above listed entities in the manner shown, and prepared the Certificate of Notice and that it is true and correct to the best of my information and belief.

Meeting of Creditor Notices only (Official Form 309): Pursuant to Fed .R. Bank. P.2002(a)(1), a notice containing the complete Social Security Number (SSN) of the debtor(s) was furnished to all parties listed. This official court copy contains the redacted SSN as required by the bankruptcy rules and the Judiciary's privacy policies.

Date: Sep 15, 2022

Signature: /s/Gustava Winters

## CM/ECF NOTICE OF ELECTRONIC FILING

The following persons/entities were sent notice through the court's CM/ECF electronic mail (Email) system on September 13, 2022 at the address(es) listed below:

Name	Email Address
Brian Nicholas	on behalf of Creditor M&T BANK bnicholas@kmlawgroup.com
Daniel Philip Jones	on behalf of Creditor CitIMortgage Inc. djones@sterneisenberg.com, bkecf@sterneisenberg.com
Jeffrey Hunt	on behalf of Creditor Peoples Natural Gas Company LLC ecfpeoples@grblaw.com PNGbankruptcy@peoples-gas.com
Lawrence W. Willis	on behalf of Debtor Kelly D. McIntyre ecf@westernpabankruptcy.com urfreshstr@gmail.com;willislr88866@notify.bestcase.com
Office of the United States Trustee	ustpregion03.pi.ecf@usdoj.gov
Ronda J. Winnecour	cmecf@chapter13trusteedpa.com
Steven K. Eisenberg	on behalf of Creditor CitIMortgage Inc. seisenberg@sterneisenberg.com, bkecf@sterneisenberg.com

TOTAL: 7